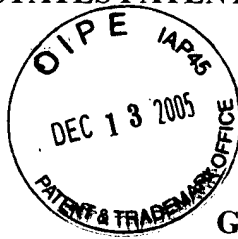


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

D. Christopher Dryer, et al.



Serial No.: 09/257,208

Group Art Unit: 2174

Filed: February 25, 2005

Examiner: Steven Paul Sax

For: METHOD AND SYSTEM FOR REAL-TIME DETERMINATION OF A
SUBJECTS INTEREST LEVEL TO MEDIA CONTENT

Honorable Commissioner of Patents
Alexandria, VA 22313 - 1450

REQUEST FOR CONSIDERATION OF
INFORMATION DISCLOSURE STATEMENT

Sir:

Applicants respectfully request that the Examiner indicate consideration of the references that were submitted with the Information Disclosure Statements filed on February 25, 1999, January 16, 2002 (page 2 only, since the Examiner has indicated that he has considered the references listed on page 1), and January 21, 2003. For the Examiner's convenience, copies of the PTO-1449 forms are attached hereto.

A Notice of Allowability was issued on November 7, 2005. However, the Examiner has not indicated consideration of the references. Therefore, Applicants respectfully request that the Examiner indicate consideration of the references submitted with the Information Disclosure Statements submitted on February 25, 1999, January 16, 2002 (page 2 only), and January 21, 2003.

Respectfully submitted,

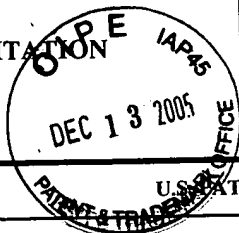
Phillip E. Miller, Esq.
Registration No.: 46,060

Date: 12/19/05

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LAW GROUP, PLLC
8321 Old Courthouse Road, Suite 200
Vienna, VA 22182-3817
(703) 761-4100
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INFORMATION DISCLOSURE CITATION

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Docket Number (Optional)

AM9-98-093

Application Number

Not Yet Assigned

Applicant(s)

Dryer, et al

Filing Date

Concurrently Herewith

Group Art Unit

Not Yet Assigned

U.S. PATENT DOCUMENTS

AMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
		5,649,061	07/15/97	Smyth			
		5,507,291	04/16/96	Stirbl et al			
		5,762,611	06/09/98	Lewis et al			
		5,016,282	05/14/91	Tomono et al			
		5,572,596	11/05/96	Wildes et al.			

FOREIGN PATENT DOCUMENTS

	REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	Translation	
							YES	NO

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

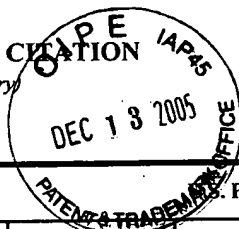
		Lisetti, et al, "An Environment to Acknowledge the Interface between Affect and Cognition", pp. 78-86.
		Black, et al., "Recognizing Facial Expressions in Image Sequences using Local Parameterized Models of Image Motion", pp. 1-35, March 1995.

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP Section 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

INFORMATION DISCLOSURE CITATION
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Docket Number (Optional) AM9-98-093		Application Number Not Yet Assigned
Applicant(s) Dryer, et al		
Filing Date Concurrently Herewith	Group Art Unit Not Yet Assigned	

U.S. PATENT DOCUMENTS

EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE

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							YES	NO

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

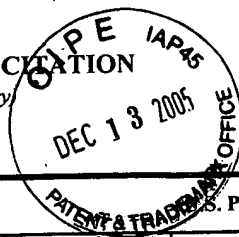
		Lien, et al, "Automatically Recognizing Facial Expressions in the Spatio-Temporal Domain", October 19-21, 1997, Workshop on Perceptual User Interfaces, pp. 94-97, Banff, Alberta, Canada.
		Lien, et. al., "Subtly Different Facial Expression Recognition And Expression Intensity Estimation", June 1998, IEEE, Published in the Proceedings of CVPR'98, Santa Barbara, CA.

EXAMINER	DATE CONSIDERED
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INFORMATION DISCLOSURE CITATION

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Dryer, et al

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OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

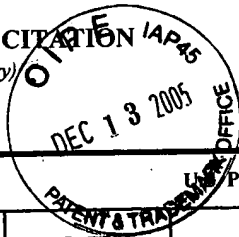
		Lien, et al, "Automated Facial Expression Recognition Based on FACS Action Units", April 14-16, 1998, IEEE, Published in the Proceedings of FG '98, Nara, Japan.
		Morimoto, et al., "Pupil Detection and Tracking Using Multiple Light Sources".

EXAMINER

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Applicant(s) Dryer, et al	
Filing Date Concurrently Herewith	Group Art Unit Not Yet Assigned

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FOREIGN PATENT DOCUMENTS

	REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	Translation	
							YES	NO

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

		Ohtani, et al., "EYE-GAZE DETECTION BASED ON THE PUPIL DETECTION TECHNIQUE USING TWO LIGHT SOURCES AND THE IMAGE DIFFERENCE METHOD", September 20-23, 1995, pp. 1623-1624.
		Y. Ebisawa, "Unconstrained pupil detection technique using two light sources and the image difference method", Visualization and Intelligent Design in Engineering, pp. 79-89.

EXAMINER	DATE CONSIDERED
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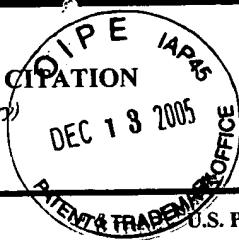
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

	Kumakura, S., "Apparatus for estimating the drowsiness level of a vehicle driver", July 28, 1998, pp 1-2.
	Eriksson, M., "EYE-TRACKING FOR DETECTION OF DRIVER FATIGUE", IEEE Conference on Intelligent Transportation Systems, November 9-12, 1997, pp. 314-319.

DATE CONSIDERED

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AM9-98-093

Not Yet Assigned

Dryer, et al

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U.S. PATENT DOCUMENTS

[illegible]

FOREIGN PATENT DOCUMENTS

[illegible]

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

Funada, et al., "On an Image Processing of Eye Blinking to Monitor Awakening Levels of Human Beings", IEEE Conference, pp. 966-967.

Fernandez, et al., "Signal Processing for Recognition of Human Frustration", MIT Media Laboratory Perceptual Computing Section Technical Report No. 447, ICASSP '98, Seattle, Washington, May 12-15, 1998, pp. 1-4.

EXAMINER

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U.S. PATENT DOCUMENTS

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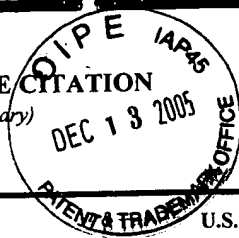
	Kamitani, et al., "Analysis of perplex situations in word processor work using facial image sequence", SPIE Vol. 3016, pp. 324-334.
	Tomono, et al., "A TV CAMERA SYSTEM WHICH EXTRACTS FEATURE POINTS FOR NON-CONTACT EYE MOVEMENT DETECTION", SPIE Vol. 1194 Optics, Illumination, and Image Sensing for Machine Vision IV (1989), pp. 2-12.

EXAMINER

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U.S. PATENT DOCUMENTS

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OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

	Pantic, et al., "AUTOMATION OF NON-VERBAL COMMUNICATION OF FACIAL EXPRESSIONS", pp. 86-93.
	Pantic, et al., "Automated Facial Expression analysis", pp. 194-200.

EXAMINER

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U.S. PATENT DOCUMENTS

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FOREIGN PATENT DOCUMENTS

[illegible]

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

		Morimoto, et al., "Recognition of Head Gestures Using Hidden Markov Models".

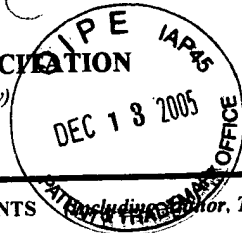
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Docket Number (Optional)

AM9-98-093

Application Number

09/257,208

Applicant(s)

Dryer, et al.

Filing Date

February 25, 1999

Group Art Unit

2721

*EXAMINER
INITIAL

OTHER DOCUMENTS

(Including Prior Art, Title, Date, Pertinent Pages, Etc.)

Erik D. Reichle, Alexander Pollatsek, Donald L. Fisher, and Keith Rayner, University of Massachusetts at Amherst, "Toward a Model of Eye Movement Control in Reading", Psychological Review 1998, Vol. 105, No. 1, pp. 125-157.

Robert J.K. Jacob, Human-Computer Interaction Lab, Naval Research Laboratory, Washington, D.C., "What You Look at is What You Get: Eye Movement-Based Interaction Techniques", CHI '90 Proceedings, April 1990, pp. 11-18.

EXAMINER

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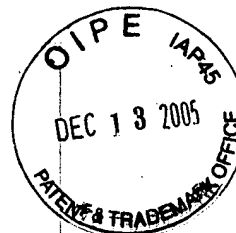
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Attorney's Post Card Filing Receipt

Serial Number: 09/257,208

Papers Filed On: 1/16/02



Attorney's Docket Number: AM9-98-093

☒ Patent

☐ Trademark

Applicant's Name: Dryer et al.

Application Filing Date: 2/25/99

Papers Filed Herewith:

☐ Amendment

☐ Request for Extension of Time

☐ CPA Request

☐ Notice of Appeal

☐ Appeal Brief (in triplicate)

☐ Reply Brief

☒ IDS

☒ 1449 Form w/ 5 Documents

☐ Priority Document(s)

☐ Assignment

☐ Recordation Cover Sheet

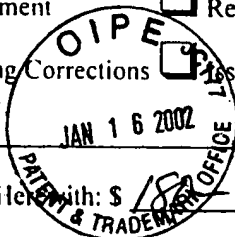
☐ Formal Drawings

☐ Drawing Corrections

☐ Issue Fee Transmittal

☐ Missing Parts

☐ Other



Fees Filed Herewith: \$ 180

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☒ Charge Deposit Account: 09-0441

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